

CARLOW LOCAL AUTHORITIES

ALLOCATION SCHEME FOR DWELLINGS PROVIDED BY CARLOW LOCAL AUTHORITIES

1.0 Introduction & Background

1.1 This Allocation Scheme, made in pursuance of Section 22 of the Housing (Miscellaneous Provisions) Act, 2009, shall be used by Carlow Local Authorities as a means for determining the order of priority to be afforded, in the letting of dwellings, provided by Carlow Local Authorities and of which they are the owner or lessor, to persons:

- (a) who are, in the opinion of Carlow Local Authorities, unable to provide accommodation from their own resources, and
- (b) whose need of accommodation:
 - (1) has been established, through their inclusion in the most recent assessment made by Carlow Local Authorities under section 9 of the Housing Act, 1988 or,
 - (2) has been accepted by Carlow Local Authorities, after the making of that assessment in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 and the Social Housing Assessment (Amendment) Regulations 2011 SI 136 of 2011, as eligible for social housing support. (Note: all approved applicants will be re-assessed prior to allocation in accordance with Section 20 and 21 of the Housing Act 2009)
 - (3) households already in receipt of social housing who have been approved for a transfer to another dwelling in accordance with this scheme, or, who has applied to purchase a dwelling under Part 3 of the Housing (Miscellaneous Provisions) Act 2009 (Incremental Purchase Dwelling)

1.2 Carlow Local Authorities shall be construed as including the functional areas of Carlow County Council and Carlow Town Council

1.3 This scheme applies to all dwellings owned or under the control of Carlow Local Authorities, including those;

- constructed or purchased under the Housing Acts 1966 to 2009,
- provided under Part V of the Planning Act 2000,
- leased dwellings,
- dwellings subject to Rental Accommodation Scheme, and,
- dwellings owned and provided by approved housing bodies with exchequer funding.

2.0 Priority of Applicants

2.1 In allocating a dwelling the Council shall have regard to the following order of priority:-

1. Applicants who are (a) being displaced from dwellings deemed to be dangerous in accordance with Section 3 of the Sanitary Services Act, 1964, (b) being displaced by operation of Carlow Local Authorities
2. Applicants who are homeless as defined in the Housing Act, 1988.
3. Applicants living in unfit **and** overcrowded conditions as defined in Sections 66 and 63 respectively of the Housing Act 1966.
4. Applicants living in unfit **or** overcrowded conditions as defined in Sections 66 and 63 respectively of the Housing Act 1966.
5. Applicants in need of housing on disability, medical, compassionate or similar grounds.
6. Applicants who share accommodation with another person or persons and who, in the opinion of the housing authority, have a reasonable requirement for separate accommodation
7. Approved applicants not included in any of the categories above who have been assessed and approved for social housing support

2.2 Emergency/Exceptions

Where the need for accommodation arises from an emergency, the Council may make a letting to that person as it considers necessary to meet the need not withstanding the order of priorities for lettings as set out in this scheme. Where the emergency arises from medical/compassionate grounds, regard shall be had to the report of the Medical Officer of Health of the Health Services Executive South.

3.0 General

3.1 Medical/Compassionate Grounds

Where priority is claimed on grounds consisting of or including medical or compassionate grounds, the Council shall obtain and have regard to the report from the Medical Officer of Health of the Health Services Executive, or medical consultant. Where a priority is awarded, this priority may cover a particular type of accommodation and/or accommodation in a particular area

3.2 Length of Time

The Council may, at its discretion and in accordance with the Housing (Miscellaneous Provisions) Act 2009, and the Social Housing Guidance Regulations 2011, let a dwelling to any applicant having regard to the length of time the applicant has been included in the Council's housing needs assessment within the specific household category.

3.3 Refusal of Offers of Tenancy

Two refusals of reasonable offers of social housing (over a twelve month period and within areas of choice, except in emergencies, etc.) will result in a household being deemed to have forfeited consideration for social housing for a specified period (two refusals will also mean that a household may lose rent supplement),

In the event of two refusals, Carlow Local Authorities will suspend a household from consideration for 12 months from the date of the second refusal. This will mean that the household will not be offered social housing for the suspension period and this period will not subsequently count for 'time on list' purposes.

An offer of a dwelling allocation by the housing authority shall be deemed to be reasonable where, in the opinion of the Council, the accommodation offered, would meet the accommodation needs and requirements of the household and the dwelling is situated in the area of choice specified by the household. The only exception to this is where the Council makes an offer because of specified exceptional circumstances, including displacement because of fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional and compassionate grounds. In these circumstances, the Council does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.

Refusal of offers of accommodation offered under RAS, Leasing and/or dwellings provided by Approved Housing Bodies will be treated as a refusal of accommodation.

Applicants who are aggrieved with the decision of Carlow Local Authorities have the right to appeal within 10 days of the date of said decision

The refusal of an offer made under Choice-Based Letting does not count as a refusal for the purposes of the general refusals policy.

3.4 Change of Address/Particulars

Applicant for re-housing are required to notify the Council of any changes in circumstances which would affect their applications, i.e. change of address,

income, number of dependants etc. If an applicant changes address without informing the Council in writing, the Council may not consider him/her for housing even if the application is not withdrawn.

3.5 Giving of Information

An applicant who gives information which he knows to be false or misleading or fails to supply information which he knows to be material may be excluded from consideration under the scheme.

3.6 Designation of Dwellings

The Council may, from time to time as they deem fit decide to set aside a particular number, type or proportion of dwellings for specific purposes, or categories of applicants in need of accommodation. The Council can further designate by managers order, these not for inclusion in Tenant Purchase Scheme(s).

The Council may, from time to time, as they see fit, designate a particular number or proportion of dwellings becoming available to the Authority for allocation for all or any of the following purposes:

- (a) allocation to particular classes of household, e.g. older persons, persons with disabilities, members of the traveling community etc., thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
- (b) allocation to households transferring from other forms of social housing support (e.g. RAS Units, Voluntary Housing Units) and leased units;
- (c) for particular forms of tenure, including an **Incremental Purchase dwelling**;
- (d) for allocation under Choice Based Lettings (CBL).

The procedure applied by the housing authority for an *Incremental Purchase Scheme* will be as set out in Part 3 of the 2009 Act and the Housing (Incremental Purchase) Regulations 2010 (S.I. No. 252 of 2010). Properties are designated by Manager's Order for use for Incremental Purchase Schemes.

The procedure applied by the housing authority for *Choice Based Lettings* is as set out in Sections 6 – 11 of the Social Housing Allocation Regulations 2011. In accordance with Regulation 12 (4), a refusal of an offer made under a CBL shall not constitute a refusal as per Section (G) (i) below. In accordance with Regulation 10(1), where an applicant refuses a reasonable offer of a CBL, the household cannot bid for another CBL dwelling for 1 year. Properties are designated by Manager's Order for use for Choice Based Lettings.

4.0 Transfer of Tenancy

4.1 Existing tenants of Social Housing accommodation identified in 1.3 will be allowed to mutually exchange their houses subject to the agreement of the letting authority and the following conditions:-

- (a) The transfer is necessary for reasons of proximity to employment, social, medical or other compassionate grounds.
- (b) There are no arrears of rent due in respect of either dwelling.
- (c) Both dwellings are in good repair and require no pre-letting repairs.
- (d) Transfers, except in exceptional circumstances, will not be considered for at least one year after the initial allocation of tenancies.
- (e) Have complied with the terms of the letting agreement.
- (f) Have no record of anti-social behaviour.
- (g) The accommodation needs of both families can be fully met in the exchanged properties

4.2 This Council will give consideration to the mutual exchange of tenancies by tenants of this Housing Authority, and other Housing Authorities, subject to the conditions set out at 4.1 above.

4.3 Other than those reasons stated above the Council will not consider transfer to other social dwellings except under the following circumstances:

- (a) Overcrowding.
- (b) Where elderly or other small households wish to surrender a larger type accommodation to move to new accommodation.
- (c) Medical grounds.
- (d) Present accommodation is no longer suitable to cater for occupants needs.
- (e) To make better use of housing stock.
- (f) Other exceptional circumstances

4.4 Notwithstanding the above, tenants seeking a transfer must fulfil the following requirements to the satisfaction of the housing authority –

- hold the tenancy in their present dwelling, for a period of at least one years, unless it is a temporary tenancy;
- have a clear rent account – any transfer will take account of rent arrears but allowances may be made where an agreement is in place, and being adhered to by the tenant to address any such arrears over an agreed period of time;
- have kept their dwelling in satisfactory condition, subject to inspection;
- have complied with the conditions of their Tenancy Agreement and
- have no record of anti-social behaviour.

5.0 Exceptions & Exclusions

5.1 Anti-Social Behaviour

Carlow Local Authorities are committed to ensuring that all of its tenants enjoy living in their dwellings in a peaceful manner and without undue interference or difficulties emanating from anti-social behaviour. In order to maintain sustainable communities within its tenancies Carlow Local Authorities are committed to the implementation of the Anti Social Behaviour Strategy adopted by its respective members in 2010.

Applicants in order to be considered for accommodation must not have engaged in anti-social behaviour for a period of two years. An applicant convicted of such behaviour will be immediately removed from the housing list. This applies to applicants, or members of the applicant's family who normally reside, or are included for accommodation along with the principal applicant. Applicants removed from the housing list for such behaviour can only re-apply when two years have elapsed from the date of the last known incident of anti-social behaviour.

Anti social behaviour as detailed above includes either or both of the following as defined in the Housing (Miscellaneous Provisions) Act, 1997 Act, Section 1 as amended by the Housing (Miscellaneous Provisions) Act, 2009.

- (a)** The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purpose of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 and 1984).
- (b)** Any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts, 1966 to 2002 or Part V of the Planning and Development Act, 2000, or a housing estate in which the house is situate or a site and, without prejudice to the foregoing, includes
 - (i)** Violence, threats, intimidation, coercion, harassment or serious obstruction of any person.
 - (ii)** Behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or
 - (iii)** Damage to or defacement by writing or other marks of any property, including a person's home.

5.2 Applications from Former Local Authority Tenants/Social Housing Tenants

In relation to applications made by former tenants of Local Authority or other forms of social housing the following may apply:-

- Where a house was abandoned the application shall not be considered for a period of **five** years.
- Where a house/tenancy was surrendered the application shall not be considered for a period of **three** years except in the case of permanent marriage dissolution or relationship breakdown, whereby an application may be considered after a period of 6 months

The acceptance of such applications will then only be considered if; all rents and charges due on previous tenancy had been paid; the applicants had complied with letting agreement; they have not engaged in anti-social behaviour.

5.3 Information Supplied to Carlow Local Authorities

In considering an applicants' entitlement to accommodation the Council will require information in relation to tenant's current and previous circumstances. This may require provision of data/information by other agencies in order to assess their eligibility for accommodation. In cases where such information is not forthcoming the Council reserve the right to defer indefinitely an application for housing.

Where information is supplied in support of applications the Council will undertake such enquiries as necessary in order to verify this information from other Local Authorities, Voluntary Bodies, H.S.E. & Gardai particularly in relation to anti-social behaviour.

6.0 Miscellaneous Matters

6.1 Succession of Tenancy

- (a) In the event of death of a tenant, where there is a joint tenant the tenancy may automatically be transferred to the surviving tenant or tenants.
- (b) In the event of death of tenant or joint tenant the tenancy shall ordinarily pass to any member of the family provided they are over 18 and have resided at the house and been assessed for rent purposes for a minimum of 18 months preceding the death of the tenant(s). Where there are two or more surviving family members meeting the criteria, a joint tenancy may be granted.
- (c) No succession shall be considered where the property has been designated an older persons dwelling or otherwise designated for special needs
- (d) Families may be required to move to smaller accommodation if the house is deemed too large for their need

- (e) Likewise, families may be required to move to alternative accommodation where a dwelling has been adapted for a person with a disability who no longer resides at the property
- (f) In the case of anti-social behaviour of qualifying family member(s), the Council reserve the right to refuse succession to the tenancy

6.2 Adoption of Allocation Scheme

The Council may from time to time, or as directed, review or amend this scheme.

Adopted with amendment by Council 13th June 2011